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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 KEVIN AUGUSTINE,

12 Plaintiff,

2:03-cv-0990-GEB-KJM-P

13 vs.

14 JEFF NEVES, et al.,

15 Defendants.

ORDER

16 _____/
17 Plaintiff is a state prison inmate proceeding pro se
18 with a civil rights action under 42 U.S.C. § 1983. The matter
19 was referred to a United States Magistrate Judge pursuant to 28
20 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

21 On August 23, 2005, the magistrate judge filed findings
22 and recommendations herein which were served on all parties and
23 which contained notice to all parties that any objections to the
24 findings and recommendations were to be filed within twenty days.
25 Plaintiff has filed objections to the findings and
26 recommendations.

1 In accordance with the provisions of 28 U.S.C.
2 § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a
3 de novo review of this case. Having carefully reviewed the
4 entire file, the court finds the findings and recommendations to
5 be supported by the record and by proper analysis.

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. The findings and recommendations filed August 23,
8 2005, are adopted in full; and

9 2. Defendant Neves' motion to dismiss filed December
10 20, 2004, and defendants Steber and Harris-White's motion to
11 dismiss, filed December 22, 2004, are granted.

12 Dated: September 26, 2005

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14 /s/ Garland E. Burrell, Jr.
15 GARLAND E. BURRELL, JR.
16 United States District Judge
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